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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hideshi TAMAKI

Group Art Unit: 3739

Serial No.: 10/621,169

Examiner: Henry M. Johnson III

Filed: July 16, 2003

For: **LASER THERAPY APPARTUS AND LASER THERAPY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

S I R:

I, Hideshi TAMAKI, declare as follows:

1. I am the sole inventor of the invention claimed in the above-referenced patent application. I submit this Declaration in order to establish a date of invention prior to the July 19, 2002 publication date of Japanese Publication No. 2002-202418 (the "Japanese Publication"), a reference cited during the examination of the U.S. patent application.

2. I submit that I am the inventor of the invention set forth in the above-mentioned Japanese Publication. The inventor identified on the cover page of the patent abstract of the Japanese Publication, previously submitted in this matter, is "TAMAOKI Hideji." I submit that I am TAMAOKI Hideji identified on the patent abstract of the Japanese Publication. I believe that the difference in spelling in both my given name and my family name (surname), as indicated in the patent abstract of the Japanese Publication and as identified in the present

application, is a result of a difference in translations from Japanese language to English language.

3. I also submit that the subject matter in the Japanese Publication is the same subject matter presented in the present U.S. patent application under consideration. Therefore, as evidenced by the filing on December 28, 2000 of the Japanese application which was published as the Japanese Publication, I submit that there was a constructive reduction to practice of the claimed invention at least as early as December 28, 2000.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

玉置 秀司
Hideshi TAMAKI

Dated: September 7, 2004

Chofu, Tokyo, Japan
please indicate city and country where signed